

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/718,643

Attorney docket No. Q78532

AMENDMENTS TO THE DRAWINGS

Fig. 3 has been amended to change “mm” to “nm” on the abscissa of the graph.

Attachment: Replacement Sheet

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document.

The Examiner alleges that the Office has not been able to discern the city and state or foreign country of residence of the inventor from the information supplied, as required by 37 C.F.R. § 1.63(c)(1). As indicated on the attached page 3 of the Declaration and Power of Attorney for Patent Application executed by the inventor on October 31, 2003, and filed with the Office on November 24, 2003, the inventor's residence is listed as Kaisei-machi, Ashigarakamigun, Kanagawa-ken, Japan. The Declaration is viewable on public PAIR.

The drawings have been objected to because Fig. 3 identifies wavelengths as "mm" instead of "nm" on the abscissa of the graph as intended. Applicant has amended Fig. 3 to overcome the objection.

Claims 1-6 have been examined. Claims 1-3, 5 and 6 have been rejected under 35 U.S.C. § 103(a). Claims 1 and 4 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

Claim Rejections

Claims 1-3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell et al., U.S. 2003/0042445A1 ("Mitchell"). Applicant traverses these rejections.

Mitchell does not disclose or suggest at least a longer wavelength light cut filter which transmits the stimulated emission and attenuates the intensity of light components longer in wavelength than the stimulating light is provided in the optical path of the stimulated emission between the photodetector and the radiation image converter panel, as recited in claim 1. Mitchell merely discloses a filter 44 used to prevent light, other than light emitted by the screen, from reaching the CMOS sensor arrays (para. 0084). As noted in the Applicant's admitted prior art, light emitted from the screen also contains longer wavelength components than those of the stimulated emissions (spec. p. 3, ll. 16-p. 4, ll. 12), which according to Mitchell, may be passed to the detector.

Further, the light filters disclosed in paragraph 62 of Mitchell are not provided in the optical path of the stimulated emission between the photodetector and the radiation image converter panel as asserted by the Examiner. As illustrated in Fig. 4, the filters of Mitchell are positioned between a light source 42 and a collimating aperture 48 and are used to transmit light wavelengths appropriate to excite the storage layer radiation screen (paras. 61 and 62). Therefore, the light filters disclosed in Mitchell filter the light source to provide the appropriate stimulating light wavelength, rather than filtering the stimulated emissions from the radiation image converter panel.

Moreover, the Examiner's rejection clearly applies improper double counting since a single filter 44 is used to teach a stimulating light cut off filter and the longer wavelength cutoff filter.

For at least the above reasons, Mitchell does not disclose or suggest all elements recited by independent claim 1. Even if one of ordinary skill in the art at the time the invention was made had modified the apparatus of Mitchell as suggested by the Examiner, Mitchell would not disclose or suggest all elements recited by independent claim 1. Therefore, claim 1 is patentable over Mitchell. Since independent claim 1 is patentable over Mitchell, dependent claims 2 and 3 are patentable over Mitchell at least by virtue of their dependency on claim 1.

Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Arakawa et al., U.S. 4,896,043 (“Arakawa I”), in view of Arakawa, U.S. 5,596,202 (“Arakawa II”). Applicant traverses these rejections.

Arakawa I discloses a radiation image storage panel comprising a multilayer optical filter 1, a phosphor layer 2 and a protective film 3 superimposed in order, where the multilayer optical filter 1 is reflective for light of the stimulation wavelength and transmissive for the stimulated emission wavelength (col. 4, ll. 19-31). Since the multilayer optical filter 1 is reflective for light of the stimulation wavelength, modifying the panel of Arakawa I by inverting it to be used in a manner similar to Arakawa II would defeat the operation of the panel since the stimulating light would be reflected by the multilayer optical filter preventing stimulation of the stimulatable phosphor and therefore preventing the required stimulated emissions.

Since the Examiner’s proposed modification would render the prior art invention unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification. Therefore, claim 5 is patentable over the combination of Arakawa I and

Arakawa II. Also, since independent claim 5 is patentable, dependent claim 6 is patentable at least by virtue of its dependency on claim 5.

Claims 1 and 4 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 10/391,272, in view of Mitchell. Since this is a provisional obviousness-type double patenting rejection, Applicant has the option to hold in abeyance a response (i.e., terminal disclaimer or traversal on the merits) to the obviousness-type double patenting rejection until a patent issues from one of the pending applications.

New Claims

Claims 7 and 8, which depend from claims 1 and 5, respectively, have been added to describe features of the invention more particularly. Applicant submits that no new matter has been added. New claims 7 and 8 are patentable at least by virtue of their dependencies on independent claims 1 and 5.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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